

MEMORANDUM

To: Karl Dreher
From: Bob Haynes
Date: May 11, 2004
Subject: Rathdrum Prairie Ground Water Management Plan

Karl,

The committee solicited letters of comment from parties that were considered for membership on the committee. We received letters or emails back from 8 parties. The committee considered these comments before finalizing the plan. They have asked that those letters of comment be appended to their plan.

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March 29, 2004

Robert G. Haynes
Regional Manager, Idaho Department of Water Resources
Chair, Rathdrum Prairie Ground Water Advisory Committee
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615

RECEIVED
MAR 31 2004
IDWR/North

Via Facimile (208-769-1454) and U.S. Mail

Re: Draft Ground Water Management Plan

Dear Mr. Haynes,

Thank you for the opportunity to review and comment on the draft Rathdrum Prairie Ground Water Management Plan. These comments are submitted on behalf of Friends of the Aquifer and the Upper Columbia River Group of the Sierra Club.

The GWMA designation came about as a result of a request by Sierra Club and others to impose a moratorium on new water rights. IDWR declined to halt water permitting and instead directed that all new water permits shall contain conditions required to implement the Groundwater Management Plan. Since 2001, IDWR has issued more than 16 cfs in groundwater rights from the Rathdrum Prairie Aquifer. These water rights, pending applications and to some extent existing water rights will all be subject to the terms developed in this Plan. It is therefore of utmost importance that the plan identify specific conditions for water rights as well as specific action items to fulfill the intent of the IDWR's response to the moratorium request.

While we applaud and agree with most of the items contained in the draft GWMA plan, unfortunately the plan does not go nearly far enough in terms of specificity. We would ask the GWMA committee to consider this question: how do the terms of the plan translate into action?

The IDWR order that designated the GWMA and established your committee (referred to as the "Designation Order" below) directed the committee to address 8 specific items:

- (1) Water Permit Conditions: Identification of requirements and conditions needed to protect existing water rights and the interests of the public as applications for new consumptive uses from the aquifer are considered.

- (2) Water Supply Systems: Evaluation of the need for policies to encourage development and use of water supply systems to provide water for multiple ownership subdivisions rather than individual wells for each residence or business.
- (3) Metering Water Use: Identification of appropriate requirements for measuring and reporting of water withdrawals by new and existing uses from the aquifer, including the need for a water measurement district to operate in accordance with Chapter 7, Title 42, Idaho Code.
- (4) Water Use Validity: Assessment of the need for identification and quantification of existing rights from the aquifer and the implementation of programs to administer diversion and use of water to prevent unauthorized uses.
- (5) Water Conservation: Assessment of the need for development and implementation of a program to encourage conservation of water diverted and used from the aquifer.
- (6) Interstate Coordination: Identification of actions needed to coordinate management of the aquifer with the state of Washington.
- (7) Data Gathering: Development of strategies to provide for studies and data gathering programs to better understand and monitor the aquifer.
- (8) Aquifer Recharge: Consideration of the need and opportunities for conducting managed recharge of the aquifer.

Review of the draft plan is confusing because the plan does not identify how each of the its "goals" and "actions" connect to the above-quoted requirements set forth in the IDWR Designation Order. After close review, however, it is apparent that the draft plan fails to discuss public interest issues associated with issuance of water rights – even though the Designation Order, Item 1 specifically directs such consideration.

The Public Interest

The "local public interest" (LPI) is one of several factors that IDWR must consider when issuing new water rights or authorizing changes to existing rights. The Idaho Supreme Court and IDWR itself have interpreted the LPI test to require review of environmental impacts, including impacts on rivers, water quality and fish and wildlife. The Idaho water code also, sensibly, requires integrated management of ground and surface waters. Thus, it is appropriate and necessary for IDWR to consider the impact of issuing Rathdrum Aquifer groundwater rights on surface water resources.

Pumping from the Rathdrum Aquifer in Idaho depletes flow in the Spokane River (skeptics may wish to consult the law of conservation of mass for authority on this point). That depletion occurs in Washington state and the existence of the state line does complicate water management. However, regardless of the impacts to Washington state, there are at least four good reasons why it is in Idaho's own interest to consider the impacts of groundwater pumping on the Spokane River:

- Lower flows in the Spokane River in Washington adversely affect dissolved oxygen, which in turn will affect the terms and conditions of the water quality permits issued to Idaho wastewater treatment plants that discharge to the Idaho portion of the River.
- The Spokane River trout fishery is a bi-state resource. Lower flows in the Spokane River in Washington affect the health and quantity of fisheries that spend part of their life in Idaho.
- Lower flows in Washington will affect re-licensing conditions for Post Falls Dam. A decision by IDWR to continue issuing water rights may ultimately require lowering of Coeur d'Alene Lake levels.
- Lower flows in Washington, if not addressed by Idaho, will eventually lead to legal conflict over water resource allocation between Idaho and Washington including, potentially, interstate litigation.

Each of these items is a valid, current interest. But the draft GWMA plan contains no discussion of any of these concerns. This calls to mind the difficult scenario now playing out on the Snake River Plain in southern Idaho. There, conflicts between surface and groundwater rights have created a management crisis for IDWR – in part because of the failure to acknowledge the physical and legal connections between the two.

Water resource planning for the Rathdrum Aquifer must avoid this scenario. We request that you correct this deficiency by including in the plan a discussion of the surface water impacts associated with groundwater allocations and specific conditions to address those impacts, to be incorporated into all post-2001 water permits.

Goal 1:

The draft plan assumes that water remains available for appropriation, when in fact there is evidence to suggest that the Rathdrum Prairie Aquifer is now over-appropriated -- and may be much worse in the future. Rather than discussing how IDWR is to address the "availability" question in the specific process of permit issuance, the plan simply defers to the Bi-State Study. We applaud the cooperation between Washington and Idaho that has led to the nascent Bi-State Study, and certainly hope that the Bi-State Study will be fully funded and yield important information about the Aquifer. However, IDWR's duty to determine groundwater availability in the water right permitting process is an independent duty under the Idaho water code. See Idaho Code § 42-232.

Evidence at the Cogentrix and Newport Generation water right hearings, held in early 2002, revealed that, according to the best science now available, aquifer recharge quantities are approximately equivalent to the face value of water permits and licenses issued by IDWR. This fact implicates Idaho's groundwater code, Section 42-226(g), which requires IDWR to determine whether allocated water rights equal or exceed future average annual recharge to the Aquifer, and prohibits additional allocation if the aquifer is being "mined."

As a further water availability concern, climate change models for the Columbia River basin predict substantially less snow pack in this region. Such a prediction

has direct bearing on analysis of "future average annual recharge" – but the draft GWMA plan contains not a word about the need to assess this significant factor in the water availability calculus. IDWR is fully aware of climate change concerns: the agency holds meetings and seminars on the topic and is beginning to plan for alternative water management scenarios – but all of this activity is taking place in southern Idaho. It is time for IDWR to take this topic seriously here, in the northern region, as well.

The GWMA plan presents an opportunity to impose conditions to protect the resource and the public interest (as required by Item No. 1 of the IDWR Order, quoted above). Such conditions should include mitigation requirements for all new water rights. At the very minimum, new water rights should be designated as interruptible and subject to rescission.

The GWMA plan should direct the following action items:

- No further issuance of water permits pending development of a credible water budget for the Aquifer, including evaluation of future climate scenarios
- Conditions on pending applications and post-2001 water rights requiring mitigation to offset public interest impacts, and informing the holder that the right may be subject to interruption and rescission.
- IDWR development of co-management agreement with Washington state

Goal 2:

Data collection regarding water usage is an important management strategy. We strongly support the directive requiring metering of all water users (0.2 cfs or larger) on the Rathdrum Prairie. The plan should specifically state that this requirement is retroactive and applies to existing water rights. See Designation Order, Item 3 (identification of appropriate requirements for measuring and reporting of water withdrawals by new **and existing** uses"). We would again note that the necessity of establishing a water budget is a requirement of Idaho state law, and not simply a Bi-State Study responsibility.

We also endorse the water conservation planning requirements of this section. As above, that requirement should apply to existing and new water users.

A significant portion of the water rights issued for the Rathdrum Prairie Aquifer are for agricultural irrigation, yet the plan contains no directives about agricultural water conservation planning. The plan should

- identify the dominant cropping types for the Rathdrum Prairie and establish reasonably efficient water duties for those crops
- direct the use of efficient water application practices, including drip irrigation where appropriate, sprinklers, and use of weather data (precipitation, humidity, etc.) to prevent over-application of water.
- prohibit wasteful water management practices, such as use of 24-hour irrigation sets that over-water crops and failure to timely correct water leakage problems (blow-outs, pipe leaks, etc.).

Similarly, the plan should analyze the dominant types of commercial and industrial use of Rathdrum Aquifer water and develop appropriate water duties and standards for those uses.

Finally, the plan should call identify a mechanism to provide technical assistance to water right holders who are developing and implementing water conservation plans.

Goal 3:

This section is vague. Is the "water district" referred to in Strategy A the same water district referred to in Goal No. 2? Is it legal for IDWR to require adequate water supply for properties from which water rights are transferred if the transferor and transferee do not provide for such in their transfer agreement?

Goal 4:

This goal states that IDWR has no authority to require water conservation programs, while in Goals 2 and 5, IDWR is directed to require water conservation plans. Please correct this inconsistency. Note that all water rights in Idaho are subject to a beneficial use requirement, which includes prohibition of wasteful water use and requirements of reasonable efficiency.

Goal 5:

We enthusiastically endorse the requirement that all municipal purveyors adopt water conservation plans.

However, leaving the components of a plan to the discretion of municipal water suppliers is not effective. Certain basic components should be mandatory. These include:

- Use of appropriate demand forecasting technology
- Evaluation of "unaccounted for" water and a requirement that such water be reduced to 10% or less of a system's use
- Use of inverted or declining block rate structures for customer pricing
- Establishment of a reasonable per capita or ERU ("equivalent residential unit") water allocation as a basis for quantifying present and future municipal rights
- Specific water conservation requirements, including
 - Low water fixture requirements for new buildings
 - Programs for retrofit of low water fixtures for existing housing
 - Xeriscape planting, water application and management standards for commercial and residential areas
 - Use of efficient irrigation technology for large areas (playgrounds, golf courses), including use of weather station data to prevent overwatering
 - Consumer education, including billing data that provides information feedback to customers about their water usage.
- Implementation timelines with specific goals for reduction of water usage and/or application of existing usage to new demand

The plan should direct IDWR to develop this set of standards for municipal water suppliers and attach the standards as conditions for new water permits. In addition, the condition should require implementation of the water conservation plan as a condition of obtaining a water license.

Please note that we previously provided a set of detailed urban water conservation planning and implementation documents to IDWR for use in development of the GWMA plan. There is no need for the GWMA committee to re-invent the wheel. Water conservation studies and planning documents from California, Arizona and Texas, among others, provide plenty of data and information to develop appropriate standards for the Rathdrum Prairie.

Strategy C: Water conservation advisory committees should include all appropriate interests, including the public.

Strategy D: "Landscaping demonstration projects" will not get us where we need to go. There are several such projects in this region – what is needed is actual implementation. Water efficient landscaping should be mandatory for all new development projects.

Strategy E: Water pricing structures that encourage and induce conservation should be mandatory.

Strategy F: As noted above, certain types of consumer education should be mandatory.

Strategy G: We endorse the concept of substituting reclaimed wastewater for new water rights, a solution that may solve more than one problem.

Goal 6:

Washington and Idaho both manage a single resource without communicating with each other about that management in any meaningful way. It is time that the two states begin to develop a co-management plan. Obviously the Bi-State Study will feed into that plan, but the conversation about management needs to start now. The plan should direct that IDWR contact the Washington Department of Ecology and begin that process immediately.

Action Item 1:

We assume that the plan does not direct IDWR to reject construction of new domestic wells because of questions about its legal authority to do so. If this is the case, the plan should include specific strategies that can be utilized to discourage private use of domestic wells. Vague directives are not helpful.

Action Item 2:

It appears that Idaho has trumped Washington with its own version of HB 1338 – Washington's 2003 legislation that ratified illegal water rights and extended

exemption from relinquishment to several new kinds of water rights, including many water rights to the Rathdrum (Spokane) Aquifer.

This GWMA plan provision goes even further, however, by providing blanket exemptions from the "use it or lose it" requirements of Idaho water law to every water right in the Rathdrum groundwater management area.

A provision such as this really defies comment. One can only ask – how does this provision serve the aquifer and the public interest? This provision establishes the Idaho half of the process by which the two states will race to the bottom of the Aquifer.

Action Items 3, 4:

We endorse each these items as part of the plan.

Action Item 5:

We endorse this item, relating to aquifer recharge. As stated here, however, this action item does not fulfill the requirements of Designation Order Item 8, which directs "consideration of the need and opportunities for conducting managed recharge of the aquifer." The plan should contain a more detailed evaluation of need and opportunities and map out a strategy for development and implementation of recharge activities.

Conclusion

We appreciate the effort that has gone into development of the draft Rathdrum Prairie GWMA plan. However, to become a useful and useable document, the plan must contain much more detail and specifics about how each of the items set forth in the GWMA Designation Order is to be addressed and fulfilled.

Thank you again for the opportunity to comment.

Yours very truly,

A handwritten signature in black ink, appearing to read "Rachael P. Osborn", written over a light gray rectangular background.

Rachael Paschal Osborn
on behalf of Friends of the Aquifer and Sierra Club



Kootenai Environmental Alliance

March 12, 2004

RECEIVED
MAR 16 2004
IDWR/North

Bob Haynes,
Chairman, Rathdrum Prairie Ground Water Advisory Committee and
Regional Manager
Idaho Department of Water Resources
1910 Northwest Blvd., suite 210
Coeur d'Alene, ID 83814-2615

Dear Bob,

Thank you for providing me the opportunity to review the Draft Rathdrum Prairie Ground Water Management Area Ground Water Management Plan (Draft Plan). I appreciate the time and effort that the committee members put into this effort. The goals delineated in the document are laudable and for the most part I believe the strategies should make it possible to reach those goals.

I particularly like the initial establishment of a Water Measurement District to be followed by a Water District, and the monitoring associated with the particular consumptive uses. It is also appropriate that the committee calls for the implementation of the adjudication process and I recommend that it should commence shortly after the approval of the Plan. I am also pleased to see an endorsement of the concept of regional cooperation in the management of the aquifer.

The majority of my concerns are centered on the section describing Goal 5; the strategies provided regarding water conservation. I submit the following suggestions:

Goal 5

- A) I recommend the following change: "Each plan *may*" to "Each plan *must* include the following elements that are..." This language change would clarify that each conservation plan would be **required** to follow the prescriptions described in the EPA document. It would provide consistent criteria for applicants with similar site-specific circumstances and structure the conservation plan process so as to avoid the appearance of arbitrary judgment resulting from too great a reliance on discretion on the part of the decisionmaker. It would hopefully bring greater consistency to the process no matter who the decision maker.
- D) The aquifer-wide water conservation advisory committee should include concerned citizens.
- The document does not make clear the type of monitoring process that would be put in place to assure conformance with the conservation plan. Nor does the document describe the procedure for blatant non-conformance with the conservation plan.
- The Draft Plan should request an increase in staffing in the north Idaho office of the IDWR. At the current time the office appears to be understaffed and cannot support the increased responsibilities associated with this plan, such as enforcement, in a very fast growing coverage area.

Respectfully submitted

Barry Rosenberg
Barry Rosenberg



April 5, 2004

Mr. Bob Haynes, Regional Manager
Idaho Department of Water Resources
1910 Northwest Blvd.
Coeur d'Alene, Idaho 83814



Re: Rathdrum Prairie Ground Water Management Plan Comments

Dear Mr. Haynes:

Pursuant to your March 12, 2004 request for comments on the draft Management Plan, please consider the following:

1. Section IV of the Plan identifies general goals. If through the implementation, development or gathering of additional information, the goals are modified or re-defined, continual input from stakeholders should be requested. For example, strategy "B" under Goal 1, states that pursuant to this Plan, IDWR can impose "special conditions" and "other modifications as deemed appropriate and consistent with the goals of the Plan." First, any conditions or modifications must be consistent with State law. Second, imposition of new conditions must not impair one's ability to divert water pursuant to an existing permit or right. In spite of the language of the December 11, 2002 Order creating the Ground Water Management Area, which conditioned future permits or licenses on the adoption of a ground water management plan, conditions placed upon a right and premised upon a plan adopted after the acquisition of a water right raise constitutional issues. The IDWR should carefully consider all information prior to taking such action.
2. Section IV, Goal 2 (A), Step 2 states that an adjudication of all water rights should be completed. Does this include all surface and ground water rights, and a McCarran adjudication of federal, tribal and state rights? How does the State anticipate funding such an effort given the enormous costs of the Snake River Basin Adjudication?
3. Section IV, Goal 3 should state "To manage the water resource efficiently and fairly in accordance with the prior appropriation doctrine and State law." The information gathered or present in hearings before the Department to date depicts a direct connection between the ground and surface waters in part, if

not the entire basin. Further, under subpart (A) the elements of water right licenses or decrees govern the extent of beneficial use. If a water right holder is exercising the right within the elements of the right, misuse or overuse is not occurring. The intent of subpart (B) is unclear. If the water right is transferred off the property, how can the lands continue to receive water?

4. Section IV, Goal 5 could be interpreted as adopting the “Water Conservation Guidelines” published by EPA. While the concepts of the “Water Conservation Plan Guidelines” may be appropriate for consideration of conservation efforts, the State should consider developing its own State guidelines, thus ensuring it retains control over the state resource. Any validation of a federal guideline used in state administration, should be approached with caution. A brief review of the guidelines cited indicates that the information provided is meant to assist states beginning to address water conservation issues in a number of water use areas, including the Safe Drinking Water Act. Additionally, utilization of federal funds (subpart B) may give the federal agencies the authority to determine the actions taken and the guidelines.
5. In Section V.5, the draft plan discusses IDWR’s support for managed recharge and identifies the potential of surface recharge through losing reaches of the Spokane River. Obviously, this example may be one of many opportunities to address the aquifer needs and managed recharge may be one of many tools available to augment the aquifer. However, any such investigation must be carried out in recognition of State law including the recognition of existing water rights. A plan does not have the authority to subordinate water rights. Only Idaho statutes and the Idaho Constitution may prioritize water use, however such action is rare and does not happen without consideration of compensation. Investigations should first determine whether or not there are times when unappropriated flows in the basin do in fact exist.

Avista welcomes the opportunity to provide these comments on such an important issue and requests that it continue to be apprised of any meetings or actions of the Advisory Committee. Further, if there is an opportunity to receive copies of comments submitted by other parties, Avista would request such copies.

Sincerely,



Ronald R. Peterson
Vice President, Energy Resources



April 2, 2004

Mr. Bob Haines
Northern Regional Director
Idaho Department of Water Resources
Northwest Boulevard
Coeur d'Alene, Idaho 83814

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IDWR/North

RE: Rathdrum Prairie Ground Water Management Area Draft

Dear Mr. Haines;

Thank you for the opportunity to review the draft your committee has developed. As our population increases, so does our responsibility to develop policies that protect our natural resources while at the same time guide growth into a pattern of compatibility, and I am pleased to have a small part in the process.

While reviewing the draft, I was pleased to find that the committee is striving to gather facts on our aquifer and the current demands being placed upon it. By determining water availability and water use, only then is it possible to make sound decisions based upon factual data. I am however curious to know how the water measurement district will encourage water conservation and what form of "planning" will be required in the future.

I was displeased to find that the draft changes it's scope of activities from a research effort to describing attempts to place restrictions on well drilling before any final determinations are made. The development of the water measurement district is a common sense approach to much needed factual determinations; however placing restrictions on domestic well drilling is not acceptable in any circumstance, regardless of whether a land owner is near a public supply or not. It is too early to implement drilling restrictions, and does not fit within the scope of a water measurement district.

I have enclosed the following facts that the National Ground Water Association has created to establish a position on private water wells. This information has been gathered through surveys and is used to establish legislation in Washington D.C. and is printed in many publications for public awareness.

McCarty Drilling & Pump Inc. 10035 N. Memory Lane Rathdrum, ID 83858

Local 208-687-9170 Toll Free 888-513-8000 Fax 208-687-4385

Facts Supporting Freedom of Choice of Drinking Water Supply

1. Seventy-eight (78) percent of water well owners say they prefer to receive drinking water from their own well over getting their water from a utility (6 percent) or bottled water (16 percent). (Source: Survey of 1,000 randomly selected adults 18 years of age or older, National Ground Water Association, October 2001)
2. Eighty (80) percent of persons who get their drinking water from wells believe their water is as safe as it should be, a rate significantly higher than the general population (63 percent). (2001 NGWA survey)
3. Eight-nine (89) percent of survey respondents said they think consumers should have a choice in the type of drinking water delivery system they use. (2001 NGWA survey)
4. Eighty-eight (88) percent of well owners indicate that water from their own water well is their least expensive drinking water option. (2001 NGWA survey)
5. A properly constructed and maintained well can operate on pennies per day; public water systems are expensive to build and maintain. ("Private Wells and Public Water Systems: What You Need to Know," NGWA 2001)
6. Private well owners are in control of their water supply; persons on public water systems, however, do not have control over the water supply including additives in the water or rates. ("Private Wells and Public Water Systems: What You Need to Know," NGWA 2001)
7. The National Ground Water Association Board of Directors has adopted a position paper on private wells that states, in part: American citizens should have the a) right to use the best source of potable water available; b) the right to install a properly constructed water well on private property; and c) the right to use a properly tested and constructed private water well as a source of potable water.

The NGWA Board also supports laws and regulations that:

- Govern the proper construction of private water wells;
 - Require the licensing and/or certification of water well drillers;
 - Require the continuing education of water well drillers;
 - Require the systematic inspection of new well construction; and
 - Require the strong, consistent enforcement of the above laws and regulations.
8. Withdrawing large amounts of ground water from centralized locations may overstress the system. Centralized water withdrawals, especially from confined aquifers where low-permeability geologic layers between the land surface and aquifer restrict rainwater from reaching the aquifer, can cause "mining" of the aquifer – using more water than is naturally replenished. Land subsidence can also result if the confining geologic layer and aquifer materials compact when the water is pumped out but not replaced. Decreasing pumping rates may help. Additionally, increasing the number and spatial distribution of the withdrawal points may allow the same quantity of ground water to be extracted with a
-

minimization of the adverse effects. (Source: NGWA Ground Water Sustainability White Paper, 2004)

9. Idaho households with private wells account for only 2.1 percent of total ground water withdrawals in the state compared to 5.3 percent for public water systems and 89.9 percent for irrigation, according to new data released by the U.S. Geological Survey for the year 2000.

As you can see it is the public's perception and also fact that private wells are safe and very dependable for our citizens. It is not only too early to begin placing restrictions on well drilling where public supply wells may be nearby, but unnecessary and unacceptable to the ground water community and the general public.

The draft refers to pumping rates and water meters. I have questions concerning the cost of installing water meters for those who meet the flow requirements necessary for reporting under the guidelines set forth in the draft, and it is not clear who will be paying for the meters. In order to measure flow rates of over 400 GPM the cost of such devices are very expensive to install. Many but not all wells have meters.

Another question is regarding the goals described in GOAL 1, C. and how IDWR will collect the data and whether there will be any additional reporting for well drillers beyond the scope of the Well Drillers Report. Also, it is unclear how a pump test is going to reveal important data. I have never experienced measurable draw-down in a well that I have constructed in the Rathdrum Aquifer for domestic applications. Will there be another form to be filled out by a pump installer? Will the driller be required to test each well? Who pays for the well test and sampling? This draft needs to spell out who does what, when, and how before it can be a useful tool to meet the anticipated goals it sets forth.

One important aspect that has been overlooked is the fact that on average, the aquifer is being penetrated by wells by only 30 to 40 feet, which is the minimum depth required to submerge a pump. It would be important to review the need for this GWMA effort to make suggestions on drilling wells to deeper depths to allow for future lower water table levels, should they occur.

In a series of dry years in western Montana, the Clark Fork River could fail to deliver adequate recharge to Pend'Orielle Lake and allow for a measurable reduction in the water tables of the aquifer, leaving submersible pumps hanging in mid air. The water requirements for recreation and wildlife on the Pend'Orielle River would likely accentuate these conditions in dry Western Montana years. The efforts of the water district should not only develop conservation measures but should also consider the protection of hundreds of families living in our area who depend upon their domestic wells. The results of such a situation could be catastrophic.

In the section entitled "Actions", the draft suggests methods of augmentation such as recharging from the Spokane River. That is rather confusing. Is ground water to be diverted from the river to the aquifer, or vice versa, and how can water conservation be

justified if ground water resources are being pumped from the aquifer to the Spokane River? Additionally, who would want to have river water dumped into the highly permeable gravels of the aquifer up gradient from their water well?

Upon approval and implementation of the GWMA, will this committee manage the Water Measurement District or will IDWR or another committee? Who will establish the new boundaries of the aquifer and identify the points where recharge to the aquifer exists? Will recharge areas such as the Kelso drainage, or Newman or Hauser Lake drainages, or the Blanchard Valley be considered and included in the water management efforts? The draft is too vague on these issues and needs clarification.

It is my sincere hope that the public hearings will answer these and many more questions as this project moves forward. I trust that this draft will be modified to a clearer overview of the efforts to be put into place, and I would like to see an explanation of how the final water district will work and who will be affected and how.

I would like to be of assistance in this endeavor and feel that my years of experience with well drilling and my particular focus on ground water science on behalf of my many customers in and around the Rathdrum Prairie Aquifer will be of help to implement common sense conservation together with a factual understanding of our natural ground water resource.

By removing the suggested restrictions on well drilling, the water measurement districts efforts will be better received by the general public, will be more focused on fact finding efforts while avoiding emotional debate, and will ultimately be more successful throughout its process.

I appreciate the opportunity to make comments on this draft. I own a private water well on the Rathdrum Prairie, I also own a public water supply well system serving over 25 homes on the Rathdrum Prairie, I am a nationally certified water well driller and I make my living drilling wells in the Rathdrum Aquifer, and this GWMA draft effects me greatly. I also represent a much broader perspective, as I am currently president of the Idaho Ground Water Association, Treasurer of the Pacific Northwest Ground Water Association, and a director of the National Ground Water Association and my perspectives are not only local but also regional and national.

Thank you for the opportunity to review and comment on this draft.

Yours Truly;

A handwritten signature in black ink, appearing to read "Brett McCarty", with a long horizontal flourish extending to the right.

Brett McCarty CWD/PI
President
McCarty Drilling & Pump Inc.

Hobart G. Jenkins PhD
PO Box 253
Bayview, Id 83803
Ph. 298 683 2951 fax 683 2869
March 13, 2004

Robert G. Haynes, P. E.
Dept Water Resources
1910 NW Blvd, Suite 210'
Coeur d' Alene, Id 83814
Dear Mr. Haynes,

This is in response to the draft proposal for the ground water plan for the Rathdrum Aquifer. I am pleased that you provided me with the opportunity to respond. Thank you.

Section 111 GOALS I would concur with of the 6 goals as outlined in the draft. I do not have any additions to suggest.

Section IV STRATEGIES GOAL 1 I suspect it will be very difficult to measure the depth to bedrock and I wonder if collection of such data is cost effective or is essential to the overall goal. I concur with the remainder of strategies A, B, and C.

GOAL 2 Section A Step 1 Why is a water district necessary to perform the functions? In reading Title 42 Chapter 6, it appears to me that it is a geographic designation rather than an administrative one. Does your office already possess the necessary authority to perform the tasks outlined? If so, and I suspect it does, what additional authority would the formation of a water measurement district and later a simple water district give IDWR to manage the plan. If no additional authority is provided why go to all the effort to create an entity? The elected watermaster would be administrating water rights and protect users from illegal or overuse of rights. Is that not already the responsibility to IDWR? I suspect the devil is in the details, but where would funding for the watermaster come from? I do not think an additional layer of administration between IDWR and the public is good policy.

GOAL 3 section A It appears the watermaster will be given significant powers to distribute water in accordance with the schedule of rights. To whom is the watermaster accountable to? Is it IDWR and your office? If yes, then why not have that position a part of your office in the first place? My guess for your proposal is driven by funding and you anticipate no state funds for such a position. While I admire creative ways to solve issues, it is not good public policy to create districts at the local

level who can levy fees without a vote of the people within the district boundaries to approve of such powers.

I would concur with the remainder of the strategies for GOAL 3

GOAL 4 strategies section A. I would suggest some conflict resolution process between the management of water rights management process and the municipal water purveyors be incorporated in the area. There is bound to be differences of opinion of how water rights are administered. It would be well to designate a process of resolution short of using the courts.

GOAL 5 section C. My experience as a college administrator tells me that standing advisory committees are a bad idea. Advisory committees are useful to address single issues, do the leg work and give the report and then dissolve. Standing advisory committees always develop their own agenda, sooner or later, and that makes life [for you] much more difficult. This document should allow for the creation of advisory committees as needed, but not establish a standing advisory committee.

Section E IDWR should not be involved in the pricing structures of domestic water users. That is one area where local jurisdiction is guarded and encroachments are unwelcome. Those people are well aware of how pricing is used for political purposes [including conservation] without any advice from IDWR.

I concur with the remainder of the draft plan including the ACTIONS this is a good piece of work.

A handwritten signature in cursive script, reading "Hobart L. Jenkins". The signature is written in dark ink and is positioned in the lower right quadrant of the page.

RHS Ralston Hydrologic Services, Inc.

GROUND WATER CONSULTING AND EDUCATION

1122 East B Street, Moscow, ID USA 83843

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MEMORANDUM

To: Bob Haynes, IDWR

From: Dale Ralston, RHS

Subject: Review of Draft Ground Water Management Plan for Rathdrum Prairie Ground Water Management Area

Date: March 25, 2004

My comments on the draft plan are noted below.

- In the second paragraph of section 1, I don't believe that there are any recreational uses of ground water in Idaho.
- In section III, I recommend that you add a goal dealing with water quality. Any potential recharge enhancement program will have water quality considerations, particularly heavy metals.
- In section III, you might consider adding a goal that deals with bi-state water resource management. Your document appears to be silent on this issue except for data collection.
- On page 3, does this mean that all domestic wells must have a flow meter? I am not sure this is a cost-effective approach to providing information for small users. I also question asking owners to monitor water depth for users of 0.21 to 1.0 cfs. This will be very difficult in existing wells with submersible pumps. You might consider requiring all water users to pay a fee that would provide support for one full-time individual to collect data for the established Water Measurement District. This person could collect water use information on a statistical sample of water use for the small users (<0.2 cfs) plus help the moderate sized users ($0.2 < x < 1.0$ cfs) with installation and use of water meters and water measurement access tubes. He or she could also work with the larger water users to make sure that their data collection approaches are valid. The data collected by this person or under supervision of this person could be QA/QC valid and of value to the USGS led study.
- On page 3, Goal 3 should either say "for all users of the resource in Idaho" or the question of water management for water users in Washington should be addressed.
- On page 3, Strategy C should be omitted. It is out of place with items B and C.
- On page 5, Strategy G should be raised to a goal. This concept deserves more emphasis.

- On page 6, Action 5 should be stated as a goal in addition to an action item. I believe that recharge enhancement is essential to combined management of ground water and surface water to meet surface water goals within Washington.
- As a general comment, I recommend that you start the document with a one or two page description of the problem that has led to the development of this ground water management plan. You need to clearly state the issues within Idaho and how they relate to problems within Washington. Education of the public is very important to successful implementation of water-resource management of the aquifer in both Idaho and Washington.

Please contact me if you have any questions. Thank you.

Steven Anderson comments

From: Steven F. Anderson [mailto:ADS.Inc@Starband.Net]
Sent: Tuesday, March 30, 2004 12:42 PM
To: Harrington, Helen
Cc: dball@idwr.state.id.us
Subject: Re: Reminder: Comments about Rathdrum Prairie Ground Water Management Plan Due

Helen-

Please thank Mr. Haynes for the opportunity to comment on the draft Rathdrum Prairie Ground Water Management Plan.

I have reviewed the document and have only general comments:

- I would find it helpful to have a joint meeting with the Rathdrum Prairie Ground Water Advisory Committee (during the comment period) and those who have been asked to comment. The committee could walk us through the document and the thought process behind each section. Those of us with comments would have the opportunity to hear the reasoning and other questions that might trigger something from us.

- While I agree with the Goal to quantify water availability within the aquifer, the Goals and Strategies seem to focus on water rights, measurement of use and monitoring of wells over time. I would think there would be the necessity to focus equal attention on understanding recharge and recharge mechanisms and the correlation between the variability in seasonal and annual recharge factors such as precipitation, precipitation type, run-off, ground conditions (frozen or thawed) and lake elevations on Lake CDA and Lake Pend O'reille. Perhaps that would manifest itself in the form of a specific strategy dealing with these facets affecting availability.

- While there is clearly a need for regional cooperation, I am concerned that the process is being unduly driven by political pressure from across the state line. Imposing stricter regulations and conservation requirements on the residents of the state of Idaho, with only the hope that the state of Washington will follow suit, has the potential to put the state of Idaho at a disadvantage from the standpoint of economic development. If Idaho adopts this plan prior to any firm commitments from the state of Washington there will be an unlevel playing field at the expense of the state of Idaho. A prime example is the magnitude of the existing water right held by the city of Spokane in comparison with its actual demand and usage. There is currently no incentive for the city of Spokane to adopt any water conservation measures, whereas the cities in Idaho are already facing those pressures because they have made no previous water grab.

I believe I would have more detailed comments than those offered above if the request for a joint meeting could be accommodated.

Sincerely,
Steven F. Anderson

John Riley comments

-----Original Message-----

From: John A. Riley [mailto:pyritejr@imbris.net]
Sent: Wednesday, March 31, 2004 4:13 PM
To: Harrington, Helen
Cc: Ball, Dianne
Subject: Plan comments

I have reviewed the draft Rathdrum Prairie Ground Water Management Plan, March 8, 2004. The plan seems well thought out and complete. Two issues that I suggest reviewing before the Plan is finalized are:

1.) Goal 2, Step 2. The intent of the final sentence is unclear. "The lands overlying the ...viability of this valuable region." Please revise to clarify.

2.) Goal 2, Step 3 calls for the creation of a water district with an elected water master. Part VI, B states that the Advisory Committee will continue to perform duties related to issues that arise in the GWMA. Are these two provisions in conflict? What will be the relation between the water master and the advisory committee?

If you have any questions or comments, please call me at 208-773-5223.
John A. Riley